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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,953

03/12/2004

Andre Schulthess

5010-1009

7714

466

7590

09/07/2006

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EXAMINER

LONEY, DONALD J

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,953

Applicant(s)

SCHULTHESS, ANDRE

Examiner

Donald Loney

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 18, 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of any of Chamberlain et al (4975589), Velbeck et al (5177363) or the applicant's discussion of the prior art (ADPA) in view of Jones et al (4286165).

Both Chamberlain et al and Velbeck et al (5177363) references teach a dosimeter hanger comprising a base and cover with a window portion within the applicant's recited range. Refer to figures 5-7 along with column 3, lines 38-42 and column 6, lines, lines 11-23 in Chamberlain et al showing a base 58, a cover 59 and a window 39d. Refer to figures 2-4 along with column 4, lines 16-58 in Velbeck et al. The holder in Velbeck et al is the same as used in Chamberlain (column 4, lines 50-58). The ADPA on page 2, lines 16-21 of the specification, along with the arguments on page 6

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of the last response, indicate that the prior art is similar to Chamberlain and Velbeck et al. The difference between the prior art and the claimed invention is that the window, base and cover are all separate pieces. The above claims do not recite the cover and base are one piece. The ADPA on page 1, lines 11-15 indicate the technology of injection molding restrict the minimum wall thickness of the window to 0.15mm.

Jones et al discloses that thicknesses of windows in dosimeters can be injection molded (i.e. formed of one piece) down to .05mm to less than twice the lesser limit (i.e. about 0.1mm). Refer to the Abstract and column 5, lines 2-14.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to form the window integrally with the housing, as taught by Jones et al, in order to form a one piece hanger there form motivated by the fact Jones et al discloses this can be done in the art by injection molding.

2. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of Chamberlain et al (4975589), Velbeck et al (5177363) or the applicant's discussion of the prior art (ADPA) in view of Jones et al (4286165) as applied to claims 18, 19, 21 and 22 above, and further in view of Moore (4472353).

The combination of the primary references teach the invention substantially as recited except for the housing being one piece. They are two pieces. Chamberlain et al does disclose that the hinge connection between the cover and the base can be a permanent one of desired (column 4, lines 16-21).

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Moore (4472353) discloses that the front panel 10 and back panel 12 of a dosimeter can be formed as in integral unit (i.e. one piece). Refer to column 2, line 68 through column 3, line 6.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the combination of the primary references to form the housing of one piece, as is taught to be known by Moore, in order to form a one piece housing therefrom. Additionally, one would be motivated for it to be one piece so there would be fewer pieces to lose or misplace if it came apart.

3. Claims 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Chamberlain et al (4975589), Velbeck et al (5177363) or the applicant's discussion of the prior art (ADPA) in view of Jones et al (4286165) and Moore (4472353).

Both Chamberlain et al and Velbeck et al (5177363) references teach a dosimeter hanger comprising a base and cover with a window portion within the applicant's recited range. Refer to figures 5-7 along with column 3, lines 38-42 and column 6, lines, lines 11-23 in Chamberlain et al showing a base 58, a cover 59 and a window 39d. Refer to figures 2-4 along with column 4, lines 16-58 in Velbeck et al. The holder in Velbeck et al is the same as used in Chamberlain (column 4, lines 50-58). The ADPA on page 2, lines 16-21 of the specification, along with the arguments on page 6 of the last response, indicate that the prior art is similar to Chamberlain and Velbeck et al. The difference between the prior art and the claimed invention is that the window, base and cover are all separate pieces. The ADPA on page 1, lines 11-15 indicate the

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technology of injection molding restrict the minimum wall thickness of the window to 0.15mm.

Jones et al discloses that thicknesses of windows in dosimeters can be injection molded (i.e. formed of one piece) down to .05mm to less than twice the lesser limit (i.e. about 0.1mm). Refer to the Abstract and column 5, lines 2-14. Moore (4472353) discloses that the front panel 10 and back panel 12 of a dosimeter can be formed as in integral unit (i.e. one piece). Refer to column 2, line 68 through column 3, line 6.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to form the window integrally with the housing, as taught by Jones et al, in order to form the window and housing as one piece motivated by the fact Jones et al discloses this can be done in the art by injection molding. With respect to the housing being one piece Moore discloses this is known in the art, as discussed above, and therefore would be obvious to one of ordinary skill in the art. With regards to claim 27, there being only one window, it would be obvious to one of skill in the art to use as many windows is required for a particular application. With regards to claim 28, Chamberlain et al shows what can be considered flanges at 62, 70 and 72. With regards to claim 29, mating elements 71 and 72 are shown in figure 7 or at the recess 99 and corresponding protrusion in the other section of the housing that mates therewith.

4. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over any of Chamberlain et al (4975589), Velbeck et al (5177363) or the applicant's discussion of

the prior art (ADPA) in view of Jones et al (4286165) and Moore (4472353) as applied to claims 23-29 above, and further in view of Ishiguro et al (4465936).

The combination of the primary references teach the invention substantially as recited except for the lip extending perpendicular from the flange.

Ishiguro et al discloses a lip, at 22 in figure 2, extending perpendicular from the flange of the back cover. This front cover 21 is sealed against this flange as shown in figure 1 when the housing is in the closed position at 22.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the combination of the primary references to form a lip perpendicular from the flange, as taught by Ishiguro, in order to provide sealing means there around as shown.

Response to Arguments

5. Applicant's arguments with respect to claims 18-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

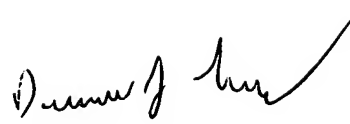
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Donald Loney', with a long, sweeping flourish extending to the right.

Donald Loney
Primary Examiner
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DJL:D.Loney
09/03/06